IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25287 of 2007(I)

PETITIONER:

M.I.SABHA CORPORATE SCHOOLS,
VATAKARA, KOZHIKODE DISTRICT,
PIN 673 103, REPRESENTED BY ITS MANAGER,
MR.M.V.AHAMMED.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO GOVERNMENT, GENERAL EDUCATION
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER,
VATAKARA, KOZHIKODE.

3. THE ASSISTANT EDUCATIONAL OFFICER,
VATAKARA, KOZHIKODE.

BY GOVT. PLEADER SRI. A.J. VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. BASHEER, J.

W.P.(C). NO. 25287 OF 2007

Dated this the 20th day of August, 2007

J U D G M E N T

Petitioner is a Corporate Educational Agency. which has got several institutions under its management. It is contended by the petitioner that three TTC holders were transferred from the Upper Primary Section of the High School to the Lower Primary Section under its management. Copies of the three orders of transfer dated June 1, 2007 issued by the manager are on record as Exts. P3, P4 and P5. But the controlling officer took exception to these transfers and postings and directed the manager to cancel the orders. Exts. P6 and P7 are stated to be the orders issued by the controlling officer in this regard.

2. It is contended by the petitioner that Ext. P1 order and Ext.P2 circular issued by the Government in respect of appointment and transfer of teachers in uneconomic schools are totally illegal and vitiated in as much as they infringe upon the right of the minority community to run educational institutions. Several other contentions have also been raised by the petitioner in support of his plea that the Department could not have raised any objection in the transfer and posting made by the manager, so long as such transfers were not made against any fresh vacancy. The transfers in question were made in the administrative and economic interest of the management.

3. Anyhow, I do not propose to deal with any of the various contentions raised by the petitioner in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P8 representation before respondent No.1 highlighting all the relevant aspects of the issue. The only prayer is to issue a direction to respondent no.1 to take a decision on Ext.P1 expeditiously. Learned Government Pleader submits that if Ext.P1 has been preferred, as contended by the petitioner, a decision thereon will be taken without any delay.

In the above facts and circumstances, the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P8 strictly on its merit and in accordance with law, as expeditiously as possible, at any rate within three months from the date of receipt of a copy of this judgment. Respondent No.1 shall ensure that petitioner is afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007